

COPY

AO 440 (Rev. 03/08) Civil Summons

UNITED STATES DISTRICT COURT
for the

Northern District of California

ERNEST C. WHEELER

Plaintiff

v.

MICHAEL CHERTOFF

Defendant

Civil Action No. C08-01738 SBA

**Amended
Summons in a Civil Action**

To: MICHAEL CHERTOFF

(Defendant's name)

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Thomas G.F. Del Beccaro
Del Beccaro, Hornsby & Blake
800 S. Broadway, Suite 301
Walnut Creek, California 94596

or

Robert R. Pohls
Pohls & Associates
12657 Alcosta Boulevard, Suite 150
San Ramon, California 94583

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Richard W. Wieking

Name of clerk of court

Date: _____

APR 15 2008

CYNTHIA L ENAHAN

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

Proof of Service

I declare under penalty of perjury that I served the summons and complaint in this case on _____ by:

(1) personally delivering a copy of each to the individual at this place, _____; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with _____ who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is _____; or

(4) returning the summons unexecuted to the court clerk on _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

Date: _____

Server's signature

Printed name and title

Server's address